

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

James N. Bryant, III,)	Civil Action No. 1:13-2665-BHH
)	
Petitioner,)	
vs.)	
)	<u>ORDER</u>
Bryan P. Stirling, Commissioner,)	
South Carolina Department of)	
Corrections; Warden, Kirkland)	
Correctional Institution,)	
)	
Respondents.)	

On March 19, 2019, the Court entered an Opinion and Order granting in part Petitioner James N. Bryant, III's ("Petitioner") amended petition for writ of habeas corpus and vacating his death sentence. (ECF No. 94.)

On May 24, 2021, the Fourth Circuit Court of Appeals entered a Published Opinion reversing this Court's rulings on Petitioner's claims relating to Juror 342, and otherwise affirming. (ECF No. 112.) The Fourth Circuit remanded the case to this Court with the instruction to deny Petitioner's application for habeas relief under 28 U.S.C. § 2254 with prejudice. (*Id.* at 29.) In accordance with this instruction, on May 26, 2021, the Court denied Petitioner's § 2254 petition with prejudice. (ECF No. 113.)

On November 15, 2021, after rehearing *en banc*, the Fourth Circuit issued a *per curiam* opinion vacating the panel opinions in *Bryant v. Stephan*, 998 F.3d 128 (4th Cir. 2021), and affirming the original judgment of this Court. Accordingly, the Court hereby vacates its own amended judgment dismissing this action with prejudice (ECF No. 114), reinstates this action, and reinstates its original judgment accepting in part the U.S. Magistrate Judge's Report and Recommendation, granting in part Respondents' motion

for summary judgment, granting in part Petitioner's amended § 2254 petition, and vacating the death sentence (ECF No. 95).

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

November 15, 2021
Charleston, South Carolina